

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Rick Valentini,

Plaintiff,

v.

David Shinn, et al.,

Defendants.

No. CV-22-01612-PHX-MTL

**ORDER**

Pending before the Court is the Report and Recommendation (“R&R”) (Doc. 57) from Magistrate Judge Deborah M. Fine, recommending the claim against Defendant Bomboy, and hence this action, be dismissed without prejudice for failure to serve pursuant to Fed. R. Civ. P. 4(m).

Plaintiff was given fourteen days from the date of service of the R&R to file specific written objections with the Court.\* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No objections have been received. Therefore, the Court will accept and adopt the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct “any review at all . . . of any issue that is not the subject of an objection”; *see also*

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\* On October 23, 2024, the Court was informed Plaintiff Rick Valentini was moved to a different unit in the Arizona State Prison Complex. (Doc. 58.) The Court’s docket indicates that a copy of the R&R was sent Plaintiff’s new address on October 24, 2024. The timeline for Plaintiff to respond, therefore, began on that date and ran on November 7, 2024. Moreover, Rule 83.3(d) of the Local Rules of Civil Procedure states “an unrepresented party who is incarcerated must submit a notice within seven (7) days after the effective date of the change.” Plaintiff never complied with this rule, despite being specifically warned on October 24, 2024, about the requirement (Doc. 58) and being obviously aware of its existence since he had filed numerous notices during this litigation (Docs. 11, 17, 20, 22, 26, 36, 44.)

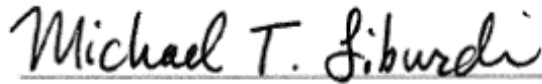
1 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (explaining  
2 the “statute makes it clear that the district judge must review the magistrate judge’s findings  
3 and recommendations de novo *if objection is made*, but not otherwise”) (emphasis in  
4 original).

5 Accordingly,

6 **IT IS ORDERED** that the Report and Recommendation (Doc. 57) is accepted.  
7 Plaintiff’s Second Amended Complaint (Doc. 19) is dismissed without prejudice.

8 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter a judgment of  
9 dismissal and close this case.

10 Dated this 18th day of December, 2024.

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13 Michael T. Liburdi  
14 United States District Judge  
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